

REMARKS

Claims 21-42 are pending. Claims 33-42 are withdrawn from consideration. Claims 21, 23-25, and 27-28 are amended, without prejudice or disclaimer of the subject matter claimed therein, to advance prosecution of the application.

Claim amendments

No new matter is added by way of the amendments to the claims. The amendments are supported by the following references to the specification:

Claim 21 – page 14, lines 4-6,

Claim 23 – original claim 21,

Claim 24 – original claim 24,

Claim 25 – original claim 25,

Claim 27 – page 15, lines 9-18, and

Claim 28 – original claim 28; page 21, line 6 to page 22, line 6; page 23, lines 4 to 10 and Figure 1.

Claim Rejections – 35 U.S.C. §112

Claims 21-32 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection but have amended the claims to clarify their invention so as to advance prosecution of the application. Applicants submit that the amendments to the claims overcome this rejection and request that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 21 and 23-26 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. 5,993,881 (“Ribier”). Applicants submit that the amendment to claim 21 overcomes this rejection. As amended, claim 21 recites a particle having a region containing a material that partitions the toxic compound into that region to produce a high local concentration of the toxic compound. Applicants submit that the Ribier particles do not contain such a region.

Claims 21-22 and 28-32 are rejected under 35 U.S.C. §102(b) as anticipated by WO 00/47236 (“Babich”) and the U.S. equivalent 6,395,299. Babich is cited as disclosing sol-gels encapsulating a reaction center.

Applicants respectfully traverse this rejection. Amended claim 1 and its dependent claims recite a particle having a region into which a toxic compound is partitioned to produce a high local concentration of the toxic compound. Babich teaches particles that do not contain such a region. The particles disclosed by Babich rely solely upon the encapsulated reaction center to convert prodrugs.

Applicants submit that neither Ribier nor Babich teach the particles of claim 1 and its dependent claims and request that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

Claim Rejections – 35 U.S.C. § 103

Claims 21-32 are rejected under 35 U.S.C. §103(a) as obvious over Ribier in view of Babich and WO 01/17648 ("Yang"). Yang is cited as teaching a silica component in Ribier's nano-size detoxifying particle. (See Office Action mailed Oct 5, 2004 at page 6.)

Applicants respectfully traverse this rejection. As discussed above, neither Ribier nor Babich teach particles having the combination of reactive molecules that transform a toxic compound into a substantially inactive compound and a material selected to partition the toxic compound to produce a high local concentration of the toxic compound. The deficiencies of Ribier and Babich are not made up for by Yang. Yang does not teach a single particle having these two elements. Instead, Yang teaches a composite adsorbent made up of adsorbent particles and reactant particles, as well as interstitial pores. (see Yang specification at page 4, lines 9-26.) Thus, the combination of Ribier, Babich and Yang does not teach or suggest the subject matter of the applicant's invention.

Applicants submit that even if the combination of references cited disclosed every element of the present invention, there is no motivation to combine the teachings of Ribier or Babich with those of Yang. Ribier and Babich teach particles having a reaction center. Such particles are suggested as having a pharmaceutical activity. (See abstracts.) In comparison, Yang teaches a composite material comprising at least two different particle types. This material is suggested as allowing the removal of inorganic or organic


impurities in a liquid by causing the liquid to flow through the absorbent. (See abstract.)

Applicants also submit that Yang teaches away from the present invention. Instead of teaching that the combination of absorbent and reactant properties could be achieved by preparing a particle having both of these properties, Yang teaches that a composite of two particle types is required. Applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn.

Because all of the Examiner's rejections have been overcome, favorable reconsideration and allowance of this application are requested. If, for any reason, the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

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